No. K-43022/54/2021-SEZ
Government of India
Ministry of Commerce & Industry
Department of Commerce
SEZ Division

Udyog Bhavan, New Delhi
Dated: 15th September, 2021

To,

1. ***Development Commissioner, Kandla SEZ.***
2. ***Development Commissioner, Adani Ports & SEZ.***
3. ***Development Commissioner, SEEPZ.***
4. ***Development Commissioner, Madras EPZ.***

Subject : Clearance of imported pulses from SEZ/FTWZ -regarding.

Sir,

I am directed to refer to this department's letter of even number dated 11.08.2021 (copy enclosed) on the subject cited above. This office is in receipt of certain representations seeking re-examination of the position stated in the aforesaid letter. Accordingly, the issue has been re-examined. In this context, it is worthwhile to note that the Hon'ble Supreme Court had issued an order on 17.06.2021 in Civil Appeal nos. 2217-2218/2021 filed by UoI & others Vs M/s Raj Grow Impex LLP & Ors. in connection to clearance of pulses during the period prior to 15.05.2021 i.e. before the change of import policy on the said pulses from 'restricted' to 'free'. This order has been issued w.r.t. certain consignment of pulses which were under the jurisdiction of Additional Commissioner of Customs, Mumbai. In the said order, the Hon'ble Supreme Court, has, inter-alia, directed that the goods in question were to be held liable to absolute confiscation but with a relaxation of allowing re-export within two weeks from the date of order of the Court, on payment of the necessary redemption fine and subject to the importer discharging other statutory obligations.

2. In light of the decision of the Hon'ble Apex Court as stated above, the specific condition w.r.t. the date of Bill of Lading as imposed vide notification dated 15.05.2021 as well as specific clarifications issued by the DGFT and DoR on 25.05.2021 and 27.05.2021 respectively in connection to the said notification wherein the applicability of the condition w.r.t. the date of Bill of Lading was reiterated and the fact that the Bill of Lading is available as part of record on SEZ-Online platform at the time of import of consignments into the SEZ, this department reiterates the position as conveyed vide letter dated 11.08.2021.

3. This issues with the approval of the Competent Authority for necessary compliance.

Yours faithfully,

Encl: As above

15/9/21

(Sumit Kumar Sachan)
Under Secretary to the Govt. of India
Tel. 011-2306 2496
Email: sumit.sachan@nic.in

Copy to :

1. Shri S. K. Mohapatra, Dy.DGFT, Directorate General of Foreign Trade.
2. Shri Ananth Rathakrishnan, Deputy Secretary (Customs), CBIC, Department of Revenue.
3. Shri Sita Ram Meena, Director, Department of Consumer Affairs.
4. Shri Pradeep Ghorpade, Chief Executive Officer, India Pulses and Grain Association, Mumbai.